Application No. 09/472,100   Atty. Docket No. ADEX0001

REMARKS

14-15. Claim Objections.

5   **14.** The Office Action states that "Claim 1 is objected to because of the following informalities: examiner believes that the claim as directed towards a system should be stating in the first paragraph of the claim "a certificate authority module..." rather than a certificate authority ..." Appropriate correction is required.

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Applicant has amended Claim 1, to claim a "certificate authority module". Applicant submits that Claim 1, as amended, overcomes the objection.

15. The Office Action stated that "also clarification should be made of the said

15   "module" is hardware or software as the claim is directed towards a system."

Applicant has amended Claim 1, to particularly point out and distinctly claim that the certificate authority module comprises "any of a server and a terminal connected to said Internet".

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Support is seen in the Application as filed, at least in Figure 15; in Figure 16; and on page 11, line 30 to page 12, line 3, wherein:

"In one embodiment of the certificate system 10, the certificate authority
25   12 comprises two functional servers; a certificate server 14, as well as an authentication server 16. In alternate embodiments, a single certificate authority server 12 may perform both certificate establishment functions, as well as certificate redemption functions. In another alternate embodiment, the certificate authority 12, the certificate module 14, the
30   authentication module 16, and the certificate database 18 are integral modules within a certificate authority terminal 58 (FIG. 16)."

Applicant therefore submits that Claim 1, as amended, overcomes the objections.

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16-20. 35 U.S.C. § 112. Rejections.

17-19. The Office Action states that "Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In

5 claims 20-23, the "allow..." phrase makes the claims indefinite and unclear in that neither means nor interrelationship of means are set forth in these claims in order to achieve the desired results expressed in the "allow..." phrase."

The Office Action also states that "Claims 1-15 are rejected under 35 U.S.C.
10 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 20-23, the "adapted to..." phrase makes the claims indefinite and unclear in that neither means nor interrelationship of means are set forth in these claims in order to achieve the desired results expressed in the "adapted to..." phrase."

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As well, the Office Action also states that "furthermore a recitation to the manner in which a claimed apparatus is intended to be (adapted to..., Allow) used does not distinguish the claimed apparatus from the prior art is prior art has the capability to do so perform (see MPEP 2114 and Ex Parte Masham, 2 USPQ2d
20 1647 (1987)). The prior art is replete with references disclosing value bearing vouchers used be redeem for obtaining goods and services by the bearer."

Applicant respectfully submits that none of Claims 20-23 include either of an "allow..." phrase or an "adapted to..." phrase, as noted in Sections 17-18 of the
25 present Office Action.

Applicant has amended independent Claim 1, to claim a transaction system connectable to an issuer terminal associated with a redemption location and to an acquirer terminal across the Internet, comprising:
30   a certificate authority module comprising any of a server and a terminal connected to said Internet, said certificate authority module comprising a web portal interface comprising means for defining a virtual certificate having attributes defined by an issuer user having an issuer payment agent associated with said redemption location through said issuer terminal across said Internet,
35 said issuer user defined attributes comprising any of denomination information,

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certificate design information, redemption rule information and redemption location information, said defined virtual certificate corresponding to a commodity having a value and a first public identifier, wherein said commodity corresponds to any of a product, a service, a coupon, and a reservation, said commodity

5   selected by said issuer user at said issuer terminal in communication with said certificate authority module across said Internet, and wherein said first public identifier is defined by said certificate authority module;

a payment agent associated with said certificate authority module;

means for adding said defined virtual certificate to a database accessible

10   through a web site connected to the Internet;

a certificate issuance module for creation of an issued certificate upon selectable acquisition of said virtual certificate by an acquirer user, having an acquirer payment agent, at said acquirer terminal across said Internet through said web site, for receipt of external payment information sent by said acquirer

15   user from said acquirer terminal, and for transmission of information associated with said issued certificate to a holder, said holder comprising any of said acquirer user and an alternate recipient specified by said acquirer user, wherein said issued certificate comprises said first public identifier, said creation of said issued certificate associated with a private identifier which is assigned at time of

20   said acquisition of said virtual certificate, wherein said private identifier does not appear on said issued certificate, and wherein said first public identifier and said assigned private identifier are stored at said certificate authority module in association with said issued certificate;

a certificate authentication module for authorization of a redemption of

25   said issued certificate at said redemption location to said holder of said issued certificate, said holder comprising any of said acquirer user and said alternate recipient of said issued certificate to whom said acquirer user has communicated said private identifier, said authorization based upon a communication from said redemption location to said certificate authority module of said first public

30   identifier from said issued certificate, a communication of said private identifier provided by said holder, and a matching comparison of said first public identifier and said private identifier stored at said certificate authority module; and

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means to cancel further redemption of said issued certificate at said certificate authority module;

wherein funds are transferred from said acquirer payment agent to said certificate authority payment agent upon said selectable acquisition of said virtual

5   certificate by said acquirer user; and

wherein said funds are transferred from said certificate authority payment agent to said issuer payment agent upon said redemption of said issued certificate by said holder.

10   Support for Claim 1 as amended is seen in the Application as filed, at least on page 7, lines 6-13; on page 9, line 11 to page 11, line 23; on page 12, line 5 to page 14, line 4; on page 15, lines 25-30; on page 16, line 6 to page 24, line 11; on page 25, lines 4-18; on page 28, line 29 to page 35, line 8; on page 35, lines 16-19; on page 35, line 27 to page 40, line 4; on page 41, lines 1-18; on page

15   42, line 19 to page 43, line 15; and in Figures 1, 3, 5-7, 9-16.

In Claim 1 as amended, Applicant has particularly pointed out and distinctly claimed "said certificate authority module comprising a web portal interface comprising means for defining a virtual certificate having attributes defined by an

20   issuer user having an issuer payment agent associated with said redemption location through said issuer terminal across said Internet, said issuer user defined attributes comprising any of denomination information, certificate design information, redemption rule information and redemption location information, said defined virtual certificate corresponding to a commodity having a value and

25   a first public identifier, wherein said commodity corresponds to any of a product, a service, a coupon, and a reservation, said commodity selected by said issuer user at said issuer terminal in communication with said certificate authority module across said Internet, and wherein said first public identifier is defined by said certificate authority module...".

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Applicant therefore submits that Claim 1, as amended, overcomes the rejections under 35 U.S.C. 112, second paragraph.

20. The Office Action also states that "in claim 1, paragraph 1, there seems to be a missing phrase in line 8, after the phrase "said network, said ? associated with..." correction is required."

5   As noted above, Applicant has amended Claim 1, to claim "an issuer user associated with said redemption location". Support is seen in the Application as filed, at least on page 7, lines 6-8 and 20-23; on page 9, lines 1-19; on page 10, line 20 to page 11, line 23; on page 16, lines 11-22; and in Figures 1, 5, 9-11 and 14-15.

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Applicant therefore submits that Claim 1, as amended, overcomes the rejection under 35 U.S.C. 112, second paragraph. As dependent claims 2-15 depend from amended independent Claim 1, and inherently contain all the limitations of the claims they depend from, they are seen to overcome the rejection as well.

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21-33. 35 U.S.C. § 103. Rejections.

22. Claims 1-30 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent Publication No. 2002/0062286 to Daniel E. Tedesco in view of U.S. Patent No. 6,193,155 to Jay S. Walker, and "Hawaiian to Offer Tickets Through ATMs" Wall Street Journal, 6 January 1998, Page 1 (hereinafter referred to as Hawaiian Air).

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23-26. In regard to Claims 1, 6, 9, 15, 16, 21, 24 and 30, the Office Action states that "Tedesco et al teach a method and apparatus for processing checks such that Applicant's certificate authority reads on the bank device (pre-paid bank certificate), element 12, figures 1 and 2, Applicant's certificate issuance module reads on element 14 where Applicant's issued certificate reads on the reserved check, Applicant's public key identifier reads on the account identifier, Applicant's redemption denomination reads on the amount of funds reserved for the check, Applicant's private key reads on the reservation code, Applicant's certificate authorization module reads on element 16 wherein Applicant's authorization reads on the payee, element 16, providing to the bank, element 12 an account identifier, the redemption denomination (requested amount/amount of check); see paragraph [0060], starting at line 11, and the reservation code; see paragraph [0051], particularly the last sentence, and Applicant's means to cancel

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reads on the bank indicating that the check has been paid/claimed, paragraph [0064]."

5   The Office Action concedes that "[a]lthough Tedesco mentions that goods are attained by using the pre-funded check [0067], but Tedesco is not specific on the relationship."

However, the Office Action also states that "Walk[er] clearly discloses the pre-funded certificate is used to pay for goods and/or services (See Walker column

10   5, lines 25-38 and column 9, lines 24-29). Therefore it is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention, if not inherent to use the pre-paid bank certificate (check) of Tedesco, to allow the pre-paid certificate of Tedesco to be pay for goods and/or services that is obtained, this would make the certificate more widely acceptable or by the virtue

15   of connecting such certificate with a particular merchant more specific (See Walker column 1, lines 56-65 and column 2, lines 7-11)."

The Office Action also states that "Additionally, Tedesco is silent on the specificity of the nature of relation between the virtual certificate and the seller

20   selects the commodity having value along with the commodity. However, Hawaiian Air clearly shows that the coupons (certificate) can be purchased via ATMs (Seller terminal) for a specific use, which is buying airline tickets for flying only Hawaiian Air. It is the seller that is actively involved in the process of coupon (Certificate) issuance and marketing. There are additional examples of

25   such coupon (certificates) sales by the specific seller, such as the American Express Student Air Line Discount Coupons as well as Airline Upgrade Coupons. Also it is traditionally know[n] that stores would be selling certificates to the patrons for the specific use in the store or to be redeemed at the store that issued such certificates. Therefore it is considered that it would have been

30   obvious to one of ordinary skill in the art at the time of the invention, to have a seller actively involve[d] in selling gift certificates that are only used for purchases in the seller's specific are of commerce, it is to insure further revenue generating mechanism."

35   Applicant disagrees that Claims 1 and 16 are obvious over U.S. Patent Publication No. 2002/0062286 to Daniel E. Tedesco in view of U.S. Patent No.

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6,193,155 to Jay S. Walker, and "Hawaiian to Offer Tickets Through ATMs" Wall Street Journal, 6 January 1998, Page 1.

<u>Hilton Davis / Festo Statement</u>

5   Applicant has amended Claims 1 and 16, for convenience in prosecution, and reserves the right to present the same or similar claims in a related Application. The amendments herein were not made for any reason related to patentability.

Applicant has amended independent Claim 1, to claim a transaction system
10   connectable to an issuer terminal associated with a redemption location and to an acquirer terminal across the Internet, comprising:

a certificate authority module comprising any of a server and a terminal connected to said Internet, said certificate authority module comprising a web portal interface comprising means for defining a virtual certificate having
15   attributes defined by an issuer user having an issuer payment agent associated with said redemption location through said issuer terminal across said Internet, said issuer user defined attributes comprising any of denomination information, certificate design information, redemption rule information and redemption location information, said defined virtual certificate corresponding to a commodity
20   having a value and a first public identifier, wherein said commodity corresponds to any of a product, a service, a coupon, and a reservation, said commodity selected by said issuer user at said issuer terminal in communication with said certificate authority module across said Internet, and wherein said first public identifier is defined by said certificate authority module;
25   a payment agent associated with said certificate authority module;

means for adding said defined virtual certificate to a database accessible through a web site connected to the Internet;

a certificate issuance module for creation of an issued certificate upon selectable acquisition of said virtual certificate by an acquirer user, having an
30   acquirer payment agent, at said acquirer terminal across said Internet through said web site, for receipt of external payment information sent by said acquirer user from said acquirer terminal, and for transmission of information associated

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with said issued certificate to a holder, said holder comprising any of said acquirer user and an alternate recipient specified by said acquirer user, wherein said issued certificate comprises said first public identifier, said creation of said issued certificate associated with a private identifier which is assigned at time of

5   said acquisition of said virtual certificate, wherein said private identifier does not appear on said issued certificate, and wherein said first public identifier and said assigned private identifier are stored at said certificate authority module in association with said issued certificate;

a certificate authentication module for authorization of a redemption of

10   said issued certificate at said redemption location to said holder of said issued certificate, said holder comprising any of said acquirer user and said alternate recipient of said issued certificate to whom said acquirer user has communicated said private identifier, said authorization based upon a communication from said redemption location to said certificate authority module of said first public

15   identifier from said issued certificate, a communication of said private identifier provided by said holder, and a matching comparison of said first public identifier and said private identifier stored at said certificate authority module; and

means to cancel further redemption of said issued certificate at said certificate authority module;

20   wherein funds are transferred from said acquirer payment agent to said certificate authority payment agent upon said selectable acquisition of said virtual certificate by said acquirer user; and

wherein said funds are transferred from said certificate authority payment agent to said issuer payment agent upon said redemption of said issued

25   certificate by said holder.

As well, Applicant has amended independent Claim 16, to claim a process within a transaction network connectable to an issuer terminal associated with a redemption location and to an acquirer terminal, comprising the steps of:

30   providing a certificate authority module comprising any of a server and a terminal connected to the Internet, said certificate authority module having a web portal interface comprising means for defining a virtual certificate having

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attributes defined by an issuer user having an issuer payment agent associated with said redemption location through said issuer terminal, said issuer user defined attributes comprising any of denomination information, certificate design information, redemption rule information and redemption location information;

5   providing a payment agent associated with said certificate authority module;

defining a virtual certificate at said certificate authority module through said issuer user terminal across said Internet through said web portal interface, said defined virtual certificate corresponding to a commodity having a value and

10   a first public identifier, wherein said commodity corresponds to any of a product, a service, a coupon, and a reservation, said commodity selected by said issuer user at said issuer user terminal in communication with said certificate authority module across said Internet through said web portal interface of said certificate facility module, and wherein said first public identifier is defined by said certificate

15   authority module;

adding said defined virtual certificate to a database accessible through a web site connected to said Internet;.

creating an issued certificate upon acquisition through said web site of said virtual certificate by an acquirer user, having an acquirer payment agent, at

20   said acquirer terminal across said Internet, upon receipt of external payment information sent by said acquirer user from said acquirer terminal, and for transmission of information associated with said issued certificate to a holder, said holder comprising any of said acquirer user and an alternate recipient specified by said acquirer user, wherein said issued certificate indicates said

25   commodity selected by said issuer user and said first public identifier, said creation of said issued certificate associated with an establishment of a private identifier which does not appear on said issued certificate, said indicated commodity, said first public identifier, and said established private identifier stored at said certificate authority module in association with said issued

30   certificate;

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transferring funds from said acquirer payment agent to said payment agent associated with said certificate authority module upon said acquisition by said acquirer user;

authorizing a redemption of said issued certificate at a redemption
5   location to said holder of said issued certificate, said holder comprising any of said acquirer user and said alternate recipient of said issued certificate to whom said acquirer user has communicated said private identifier, wherein said authorization is based upon submittal at said redemption location of said indicated commodity and said first public identifier from said issued certificate, a
10   communication of said private identifier provided by said holder, and a matching comparison of said indicated commodity, said first public identifier, and said private identifier stored at said certificate authority module;

transferring said funds from said payment agent associated with said certificate authority module to said issuer payment agent upon said redemption
15   of said issued certificate by said holder; and

canceling further redemption of said issued certificate at said certificate authority module.

Support for Claim 1 and Claim 16, as amended, is seen in the Application as
20   filed, at least on page 7, lines 6-13; on page 9, line 11 to page 11, line 23; on page 12, line 5 to page 14, line 4; on page 15, lines 25-30; on page 16, line 6 to page 24, line 11; on page 25, lines 4-18; on page 28, line 29 to page 35, line 8; on page 35, lines 16-19; on page 35, line 27 to page 40, line 4; on page 41, lines 1-18; on page 42, line 19 to page 43, line 15; and in Figures 1, 3, 5-7, 9-16.

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An overview of the method and apparatus for processing checks to reserve funds, as described by Tedesco, is seen at least in the Abstract, wherein:

"A bank device communicates with an account holder device, such as a
30   telephone or computer operated by the account holder. The bank device receives therefrom check data that includes an account identifier, a check identifier, and an amount of funds. The account identifier indicates a financial account and the check identifier indicates a check drawn on the

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financial account. The amount of funds represents an amount to reserve for payment with the check. The bank device in turn makes the amount of funds unavailable for use in the financial account so the account holder may not withdraw or otherwise remove the amount of funds. The bank

5   device generates a code that indicates the check, and transmits the code to the account holder device. Subsequently, a payee, such as a merchant presented with the specified check, may verify that the check does indeed have an amount of funds reserved for payment therewith. The bank device receives the code from the payee, and determines the amount of

10   funds that are reserved for payment with the check. An appropriate message that indicates the reserved amount of funds is transmitted to the payee."

An overview of the method and apparatus for issuing and managing gift
15   certificates, as described by Walker, is seen at least in the Abstract, wherein:

20   "The present invention relates to a method and apparatus for issuing and redeeming a gift certificate drawn on a credit card or other financial account. The present invention includes a first aspect directed to a merchant card authorization terminal and a second aspect directed to a credit card issuer central controller. According to the first aspect, a method for redeeming a gift certificate drawn on a financial account is disclosed including the steps of receiving a gift certificate for payment of an identified value, transmitting a request for authorization to a central

25   server, receiving an authorization signal, representing an indication that redemption of the gift certificate is authorized, from said central server and receiving a payment from the account issuer based on said identified value. A system is also disclosed for implementing the methods in all aspects of the present invention. "

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"Hawaiian to Offer Tickets Through ATMs" Wall Street Journal, 6 January 1998, Page 1, as cited by the Office Action, describes:

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"HONOLULU – For airline passengers bent on convenience, here is something at least as user-friendly as electronic ticketing: buying plane tickets at an automated teller machine.

5   Starting March 1, Hawaiian Airlines plans to sell tickets for all its inter-island flights through Bank of Hawaii's statewide network of 400 ATMs. The program, which require regulatory approval, is thought to be the first in the nation to use ATMs to sell plane tickets.

10   Hawaiian Air said both customers and non-customers of Bank of Hawaii, a unit of Pacific Century Financial Corp., will be able to buy flight coupons through the bank's ATMs 24 hours a day, using cards issued by the bank or a major credit card. The coupons, essentially open tickets, will be available in quantities of one, two, four or eight, will be valid for a year and
15   cost the same as those purchased from the airline or a travel agency. Customers will need to contact Hawaiian Air to reserve space on their desired flight, the carrier said."

Applicant respectfully submits that there are significant differences between the
20   Claim 1 and Claim 16, as amended and the cited art of Tedesco, Walker, and/or "Hawaiian Air".

In regard to Claim 1, as amended, Applicant submits that, even if combined, Tedesco, Walker and/or Hawaiian Air fail to disclose "a transaction system
25   connectable to an issuer terminal associated with a redemption location and to an acquirer terminal across the Internet, comprising:

a certificate authority module comprising any of a server and a terminal connected to said Internet, said certificate authority module comprising a web portal interface comprising means for defining a virtual certificate having
30   attributes defined by an issuer user having an issuer payment agent associated with said redemption location through said issuer terminal across said Internet, said issuer user defined attributes comprising any of denomination information, certificate design information, redemption rule information and redemption location information, said defined virtual certificate corresponding to a commodity
35   having a value and a first public identifier, wherein said commodity corresponds

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to any of a product, a service, a coupon, and a reservation, said commodity selected by said issuer user at said issuer terminal in communication with said certificate authority module across said Internet, and wherein said first public identifier is defined by said certificate authority module;

5   a payment agent associated with said certificate authority module;

means for adding said defined virtual certificate to a database accessible through a web site connected to the Internet;

a certificate issuance module for creation of an issued certificate upon selectable acquisition of said virtual certificate by an acquirer user, having an

10   acquirer payment agent, at said acquirer terminal across said Internet through said web site, for receipt of external payment information sent by said acquirer user from said acquirer terminal, and for transmission of information associated with said issued certificate to a holder, said holder comprising any of said acquirer user and an alternate recipient specified by said acquirer user, wherein

15   said issued certificate comprises said first public identifier, said creation of said issued certificate associated with a private identifier which is assigned at time of said acquisition of said virtual certificate, wherein said private identifier does not appear on said issued certificate, and wherein said first public identifier and said assigned private identifier are stored at said certificate authority module in

20   association with said issued certificate;

a certificate authentication module for authorization of a redemption of said issued certificate at said redemption location to said holder of said issued certificate, said holder comprising any of said acquirer user and said alternate recipient of said issued certificate to whom said acquirer user has communicated

25   said private identifier, said authorization based upon a communication from said redemption location to said certificate authority module of said first public identifier from said issued certificate, a communication of said private identifier provided by said holder, and a matching comparison of said first public identifier and said private identifier stored at said certificate authority module; and

30   means to cancel further redemption of said issued certificate at said certificate authority module;

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wherein funds are transferred from said acquirer payment agent to said certificate authority payment agent upon said selectable acquisition of said virtual certificate by said acquirer user; and

wherein said funds are transferred from said certificate authority payment
5   agent to said issuer payment agent upon said redemption of said issued certificate by said holder."

In regard to Claim 1, as amended, there is no disclosure or suggestion, express or implied, in any of Tedesco, Walker and Hawaiian Air, of a system comprising,
10   *inter alia*:

"a certificate authority module comprising any of a server and a terminal connected to said Internet, said certificate authority module comprising a web portal interface comprising means for defining a virtual certificate having attributes defined by an issuer user having an issuer payment agent associated
15   with said redemption location through said issuer terminal across said Internet, said issuer user defined attributes comprising any of denomination information, certificate design information, redemption rule information and redemption location information, said defined virtual certificate corresponding to a commodity having a value and a first public identifier, wherein said commodity corresponds
20   to any of a product, a service, a coupon, and a reservation, said commodity selected by said issuer user at said issuer terminal in communication with said certificate authority module across said Internet, and wherein said first public identifier is defined by said certificate authority module"; and

"means for adding said defined virtual certificate to a database accessible
25   through a web site connected to the Internet."

Applicant submits that, while Hawaiian Air describes "plans to sell tickets (flight coupons) through ATMs", there is no disclosure or suggestion, express or implied, in Hawaiian Air, of a "certificate authority module comprising a web
30   portal interface comprising means for defining a virtual certificate having attributes defined by an issuer user having an issuer payment agent associated with said redemption location through said issuer terminal across said Internet,

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said issuer user defined attributes comprising any of denomination information, certificate design information, redemption rule information and redemption location information."

5   Walker generally describes a method and apparatus for issuing and managing gift certificates, as seen at least in the Abstract, wherein:

"The present invention relates to a method and apparatus for issuing and redeeming a gift certificate drawn on a credit card or other financial
10   account. The present invention includes a first aspect directed to a merchant card authorization terminal and a second aspect directed to a credit card issuer central controller."

Walker generally describes the issuance of a gift certificate, between a credit
15   card issuer 102 and a credit card holder 104, *i.e.* during acquisition of the gift certificate by the credit card holder 104, as seen at least in Figure 1, and subsequent processing associated with redemption, as seen at least in Column 1, lines 24-29, wherein:

20   "The present invention relates generally to the field of transaction processing methods and apparatus. More particularly, the present invention relates to methods and apparatus for issuing and processing gift certificates which may be issued and redeemed in conjunction with credit card accounts."
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Walker also generally describes details of such a gift certificate, as seen at least in Column 3, lines 33-43, wherein:

"The present invention provides a method and apparatus for redeeming a
30   gift certificate drawn on a credit card or other financial account. A first aspect of the present invention is directed toward a merchant card authorization terminal. According to this first aspect, the present invention

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includes the step of receiving a gift certificate for payment of an identified value. The gift certificate, which is issued by an account issuer, includes thereon a certificate identifier corresponding to an account identifier. The account identifier identifies the financial account from which funds will be

5   drawn to support the gift certificate transaction."

While Walker describes a merchant card authorization terminal associated with redemption of a gift certificate drawn on a credit card or other financial account, there is no disclosure or suggestion, express or implied, that "an issuer user

10   associated with said redemption location" can define a virtual certificate having issuer user defined attributes, through issuer user terminal associated with the redemption location, across the Internet, wherein the issuer user defined attributes comprise any of denomination information, certificate design information, redemption rule information and redemption location information".

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Walker describes details regarding a gift certificate system 100, as seen at least in Figure 1 and in column 5, lines 5-59, wherein:

"As illustrated by system 100, in the first embodiment of the present

20   invention, a credit card issuer 102 produces a gift certificate associated with a credit card account. According to the present invention, a gift certificate may be any instrument or token which represents financial value, including a traditional paper certificate, a stored value card, or a magnetic stripe card having an alias account number thereon. Credit card

25   issuer 102 may be a bank or other entity having the sub-systems necessary to issue and maintain general purpose credit/debit accounts. Credit card issuer 102 assigns a corresponding certificate identifier which may be used to identify the certificate and the associated credit card account. Accordingly, the certificate identifier is an alias identifier which

30   provides an indirect link to the credit card account of credit card holder 104. Preferably, the gift certificate identifier is a sixteen digit numeric value, which has not been previously assigned to an existing credit card

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account, so as to be compatible with conventional credit card transaction processing systems. The gift certificate, including the certificate identifier, is distributed to credit card holder 104, the party responsible for the account.

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According to the first embodiment, credit card holder 104 determines a maximum value for the certificate and transfers the certificate, including the certificate identifier and an indication of the maximum value, to recipient 106. Recipient 106 may then present the gift certificate to pay for

10   goods and/or services at participating merchants, such as merchant 108. A participating merchant is one that is capable of processing credit card transactions on behalf of the credit card issuer designated on the gift certificate, such as gift certificate 820 more fully described with reference to FIG. 8. Upon presentation of the gift certificate, merchant 108 verifies

15   the authenticity of the gift certificate via credit card processor 110."

To verify the authenticity of the gift certificate, merchant 108 transmits the certificate identifier and a redemption amount to credit card processor 110. Such transmission may be accomplished using a conventional

20   telecommunications link and a card authorization terminal ("CAT") such as a VeriFone model OMNI.RTM. 490. Credit card processor 110, such as First Data Corp., acting as a commercial clearing house for credit card transactions, receives the data and forwards the data to credit card issuer 102. Credit card issuer 102 determines whether the gift certificate

25   identifier is valid and whether the associated credit card account has sufficient available credit to honor the gift certificate. If the received data indicates that the gift certificate is not authentic or that the credit card account cannot support the redemption amount, credit card issuer 102 transmits an authorization code indicating that the transaction is declined

30   to credit card processor 110. Otherwise, credit card issuer 102 transmits an authorization code indicating that the transaction is approved to credit

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card processor 110. In either event, credit card processor 110 forwards the authorization code to merchant 108 for completion of the transaction."

5   Applicant therefore submits that it is the credit card issuer 102 in Walker that produces the gift certificate, as seen at least in col. 5, lines 6-7. In addition, a credit card holder 104 in Walker is required to acquire a gift certificate 800,120 through a credit card issuer 102, as seen at least in column 5, lines 5-59; and in Figures 1, 8, 11 and 12.

10   In a defined acquisition of a gift certificate by a credit card holder 102 in Walker, the gift certificate is transferred to a recipient 106, and the gift certificate is presented at a "participating merchant", as seen at least in Column 5, lines 26-36, wherein:

15   "According to the first embodiment, credit card holder 104 determines a maximum value for the certificate and transfers the certificate, including the certificate identifier and an indication of the maximum value, to recipient 106. Recipient 106 may then present the gift certificate to pay for goods and/or services at participating merchants, such as merchant 108.
20   A participating merchant is one that is capable of processing credit card transactions on behalf of the credit card issuer designated on the gift certificate, such as gift certificate 820 more fully described with reference to FIG. 8."

25   However, while Walker describes the transfer of a gift certificate between a credit card issuer 102 and a credit card holder 104, Walker fails to disclose or suggest a "certificate authority module comprising a web portal interface comprising means for defining a virtual certificate having attributes defined by an issuer user having an issuer payment agent associated with said redemption location
30   through said issuer terminal across said Internet, said issuer user defined attributes comprising any of denomination information, certificate design information, redemption rule information and redemption location information."

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Walker describes details of a gift certificate 800, as seen at least in Figure 8 and in column 8, line 53 to column 9, line 9, wherein:

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"Referring now to FIG. 8, there is depicted an exemplary gift certificate in accordance with the first embodiment of the present invention. Gift certificate 800 is a single-use financial instrument that may be negotiated by the bearer, as indicated by the example at reference numeral 810. Gift certificate 800 corresponds to record 502 of certificate table 500, and

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includes the name of the credit card holder 812, a maximum value 814, and an expiration date 816. Gift certificate 800 expires on Jan. 15, 1997 and is redeemable for merchandise worth up to the maximum value, in this case $50.00. Alternatively, gift certificate 800 may be redeemed for $50.00 cash.

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Gift certificate 800 further includes a certificate identifier 818 and the name of the credit card issuer 820. The sixteen-digit certificate identifier 818 is, in fact, a corresponding alias account number. There is no way for a person to visually inspect gift certificate 800 to discern the account

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number belonging to credit card holder 812. The person would only see the certificate identifier (alias account number) and would not have access to the entire available credit line of the credit card holder. The name of the credit card issuer 820 is provided to indicate that the gift certificate is redeemable by any merchant who accepts credit cards from the

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designated issuer."

Applicant therefore submits in regard to Walker that it is the credit card issuer 820, e.g. Bankmore in Fig. 8, that produces the gift certificate 800, and that the role of the merchant in system 100 is to redeem such a gift certificate 800 if the

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merchant "accepts credit cards from the designated issuer". There is no disclosure or suggestion, express or implied, that such a merchant, i.e. a redeemer associated with a redemption location, can define a virtual certificate

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through a user terminal associated with the redemption location, across the Internet, wherein user defined attributes comprise any of denomination information, certificate design information, redemption rule information and redemption location information.

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Walker describes details regarding another gift certificate system 100, as seen at least in Figures 11-12 and in column 10, lines 44-67, wherein:

> "Referring to FIG. 11, the general information flow between parties
10 > according to the alternate embodiment of the present invention is depicted
> in schematic block diagram format.
>
> System 1100 depicted in FIG. 11 is similar to system 100 depicted in FIG.
> 1. A significant difference between systems 100 and 1100 is that in
15 > system 1100, credit card holder 104 transmits a gift certificate request to
> credit card issuer 102 instead of simply receiving an unsolicited bearer
> certificate. The gift certificate request depicted in FIG. 11 includes the
> card holder account identifier and a maximum value. Of course, the credit
> card holder could optionally specify the recipient, the number of times the
20 > certificate may be used, the address of the recipient, or other information
> defining the characteristics of the gift certificate. In response, credit card
> issuer 102 produces a gift certificate associated with data received from
> credit card holder 104. As previously described with reference to system
> 100, credit card issuer 102 assigns a corresponding certificate identifier
25 > which may be used to identify the certificate and the associated credit
> card account. Credit card issuer then distributes a security code and the
> gift certificate, including the certificate identifier, to credit card holder 104,
> the party responsible for the account."

30 While a gift certificate request from a credit card holder 104 in system 1100 of Walker can include input from a credit card holder, there is no disclosure or suggestion, express or implied, that a merchant 108 associated with a

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redemption location, can define a virtual certificate through a user terminal associated with the redemption location, across the Internet, wherein the user defined attributes comprise any of denomination information, certificate design information, redemption rule information and redemption location information.

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As well, as conceded by the Office Action, "Tedesco is silent on the specificity of the nature of relation between the virtual certificate and the seller selects the commodity having value along with the commodity".

10   Applicant therefore submits in regard to Claim 1, as amended, that there is no disclosure or suggestion, express or implied, in any of Tedesco, Walker and Hawaiian Air, of a "certificate authority module comprising a web portal interface comprising means for defining a virtual certificate having attributes defined by an issuer user having an issuer payment agent associated with said redemption
15   location through said issuer terminal across said Internet, said issuer user defined attributes comprising any of denomination information, certificate design information, redemption rule information and redemption location information".

As well, in regard to Claim 1, as amended, there is no disclosure or suggestion,
20   express or implied, in any of Tedesco, Walker and Hawaiian Air, of a transaction system connectable to an issuer terminal associated with a redemption location and to an acquirer terminal across the Internet,
       "wherein funds are transferred from said acquirer payment agent to said certificate authority payment agent upon said selectable acquisition of said virtual
25   certificate by said acquirer user"; and
       "wherein said funds are transferred from said certificate authority payment agent to said issuer payment agent upon said redemption of said issued certificate by said holder."

30   A locking of funds is seen in Tedesco, at least in the Abstract, wherein a bank device "makes the amount of funds unavailable for use in the financial account so the account holder may not withdraw or otherwise remove the amount of funds". Further details are seen in Walker, at least in [0019], [0039]. Details of the release of funds and two-party payment from the bank to a payee in Tedesco
35   are seen at least in [0064] and in [0076]-[0080].

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Applicant therefore submits, in regard to Tedesco, that funds are not transferred from an acquirer payment agent to a certificate authority payment agent upon selectable acquisition of a virtual certificate by an acquirer user.

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In regard to Walker, funds are transferred from a buyer's credit card account to a seller's account when a certificate is redeemed, as seen at least in Fig. 1 and 11, and in col. 3, lines 41-53, wherein:

10   "The account identifier identifies the financial account from which funds will be drawn to support the gift certificate transaction.

The method of redeeming a gift certificate at a merchant card authorization terminal further includes the step of transmitting a request
15   for authorization, including the certificate identifier, to a central server. The merchant card authorization terminal then receives an authorization code from the central server. The received authorization code represents an indication that redemption of the gift certificate for the identified value is authorized. The method also includes receiving a payment from the
20   account issuer based on said identified value of the gift certificate."

A further example of such "post-paid" certificates are described by Walker, at least in col. 7, lines 6-17, wherein:

25   "Referring now to FIG. 5, there is depicted an exemplary certificate table 500 storing information pertaining to the post-paid gift certificates of the present invention. Each record of certificate table 500 defines the parameters of a certificate and provides a link to the account identifier of the credit card or other financial account from which funds will be drawn to
30   back the gift certificate. It should be noted that the present invention is not limited to credit card accounts. The present invention will provide similar benefits and operate effectively in conjunction with other types of financial accounts, such as checking accounts and savings accounts linked to automated teller machine ("ATM") cards."

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Applicant also submits, in regard to Hawaiian Air, that while flight coupons are purchased at ATMs associated with a bank, using cards issued by the bank or a major credit card, Hawaiian Air is silent in regard to payment to the airline(s), and therefore lacks enablement.

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In regard to Claim 16, as amended, Applicant submits that, even if combined, Tedesco, Walker and/or Hawaiian Air fail to disclose "a process within a transaction network connectable to an issuer terminal associated with a redemption location and to an acquirer terminal, comprising the steps of:

10   providing a certificate authority module comprising any of a server and a terminal connected to the Internet, said certificate authority module having a web portal interface comprising means for defining a virtual certificate having attributes defined by an issuer user having an issuer payment agent associated with said redemption location through said issuer terminal, said issuer user

15   defined attributes comprising any of denomination information, certificate design information, redemption rule information and redemption location information;

       providing a payment agent associated with said certificate authority module;

       defining a virtual certificate at said certificate authority module through

20   said issuer user terminal across said Internet through said web portal interface, said defined virtual certificate corresponding to a commodity having a value and a first public identifier, wherein said commodity corresponds to any of a product, a service, a coupon, and a reservation, said commodity selected by said issuer user at said issuer user terminal in communication with said certificate authority

25   module across said Internet through said web portal interface of said certificate facility module, and wherein said first public identifier is defined by said certificate authority module;

       adding said defined virtual certificate to a database accessible through a web site connected to said Internet;

30   creating an issued certificate upon acquisition through said web site of said virtual certificate by an acquirer user, having an acquirer payment agent, at said acquirer terminal across said Internet, upon receipt of external payment information sent by said acquirer user from said acquirer terminal, and for

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transmission of information associated with said issued certificate to a holder, said holder comprising any of said acquirer user and an alternate recipient specified by said acquirer user, wherein said issued certificate indicates said commodity selected by said issuer user and said first public identifier, said

5   creation of said issued certificate associated with an establishment of a private identifier which does not appear on said issued certificate, said indicated commodity, said first public identifier, and said established private identifier stored at said certificate authority module in association with said issued certificate;

10   transferring funds from said acquirer payment agent to said payment agent associated with said certificate authority module upon said acquisition by said acquirer user;

authorizing a redemption of said issued certificate at a redemption location to said holder of said issued certificate, said holder comprising any of

15   said acquirer user and said alternate recipient of said issued certificate to whom said acquirer user has communicated said private identifier, wherein said authorization is based upon submittal at said redemption location of said indicated commodity and said first public identifier from said issued certificate, a communication of said private identifier provided by said holder, and a matching

20   comparison of said indicated commodity, said first public identifier, and said private identifier stored at said certificate authority module;

transferring said funds from said payment agent associated with said certificate authority module to said issuer payment agent upon said redemption of said issued certificate by said holder; and

25   canceling further redemption of said issued certificate at said certificate authority module."

In regard to Claim 16, as amended, there is no disclosure or suggestion, express or implied, in any of Tedesco, Walker and Hawaiian Air, of a process that, *inter*

30   *alia*, comprises steps of:

"providing a certificate authority module comprising any of a server and a terminal connected to the Internet, said certificate authority module having a web

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portal interface comprising means for defining a virtual certificate having attributes defined by an issuer user having an issuer payment agent associated with said redemption location through said issuer terminal, said issuer user defined attributes comprising any of denomination information, certificate design

5   information, redemption rule information and redemption location information";

"defining a virtual certificate at said certificate authority module through said issuer user terminal across said Internet through said web portal interface, said defined virtual certificate corresponding to a commodity having a value and a first public identifier, wherein said commodity corresponds to any of a product,

10   a service, a coupon, and a reservation, said commodity selected by said issuer user at said issuer user terminal in communication with said certificate authority module across said Internet through said web portal interface of said certificate facility module, and wherein said first public identifier is defined by said certificate authority module"; and

15   "adding said defined virtual certificate to a database accessible through a web site connected to said Internet."

Applicant submits that, while Hawaiian Air describes "plans to sell tickets (flight coupons) through ATMs", there is no disclosure or suggestion, express or

20   implied, in any of Tedesco, Walker and Hawaiian Air of a "certificate authority module having a web portal interface comprising means for defining a virtual certificate having attributes defined by an issuer user having an issuer payment agent associated with said redemption location through said issuer terminal, said issuer user defined attributes comprising any of denomination information,

25   certificate design information, redemption rule information and redemption location information."

As well, while Hawaiian Air describes "plans to sell tickets (flight coupons) through ATMs", there is no enabling disclosure or suggestion, express or implied,

30   of the creation an issued certificate upon acquisition through a web site of a virtual certificate by an acquirer user at an acquirer terminal across said Internet through the web site.

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While a gift certificate request from a credit card holder 104 in system 1100 of Walker can include input from a credit card holder, there is no disclosure or suggestion, express or implied, that an issuer user associated with a redemption
5 location (e.g. such as any of a merchant and a product manager, as more distinctly claimed in new dependent claims 35 and 41), can define a virtual certificate having issuer user defined attributes, through an issuer user terminal associated with the redemption location, across the Internet, wherein the issuer user defined attributes comprise any of denomination information, certificate
10 design information, redemption rule information and redemption location information".

Therefore, there is no disclosure or suggestion, express or implied, in any of Tedesco, Walker and Hawaiian Air, of a process that, *inter alia*, comprises the
15 steps of:
"providing a certificate authority module comprising any of a server and a terminal connected to the Internet, said certificate authority module having a web portal interface comprising means for defining a virtual certificate having attributes defined by an issuer user having an issuer payment agent associated
20 with said redemption location through said issuer terminal, said issuer user defined attributes comprising any of denomination information, certificate design information, redemption rule information and redemption location information";
"defining a virtual certificate at said certificate authority module through said issuer user terminal across said Internet through said web portal interface,
25 said defined virtual certificate corresponding to a commodity having a value and a first public identifier, wherein said commodity corresponds to any of a product, a service, a coupon, and a reservation, said commodity selected by said issuer user at said issuer user terminal in communication with said certificate authority module across said Internet through said web portal interface of said certificate
30 facility module, and wherein said first public identifier is defined by said certificate authority module"; and

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"adding said defined virtual certificate to a database accessible through a web site connected to said Internet."

As well, in regard to Claim 16, as amended, there is no disclosure or suggestion,
5   express or implied, in any of Tedesco, Walker and Hawaiian Air, of a process within a transaction network connectable to an issuer terminal associated with a redemption location and to an acquirer terminal, comprising the steps of:
"transferring funds from said acquirer payment agent to said payment agent associated with said certificate authority module upon said acquisition by
10 said acquirer user"; and
"transferring said funds from said payment agent associated with said certificate authority module to said issuer payment agent upon said redemption of said issued certificate by said holder".

15 As discussed above, Tedesco describes a locking of funds, at least in the Abstract, wherein a bank device "makes the amount of funds unavailable for use in the financial account so the account holder may not withdraw or otherwise remove the amount of funds". Further details are seen in Walker, at least in [0019], [0039]. Details of the release of funds and two-party payment from the
20 bank to a payee in Tedesco are seen at least in [0064] and in [0076]-[0080].

Applicant therefore submits, in regard to Tedesco, that funds are not transferred from an acquirer payment agent to a certificate authority payment agent upon selectable acquisition of a virtual certificate by an acquirer user.
25
As also discussed above, in regard to Walker, funds are transferred from a buyer's credit card account to a seller's account when a certificate is authorized, as seen at least in Fig. 1 and 11, and in col. 3, lines 41-53, wherein:

30   "The account identifier identifies the financial account from which funds will be drawn to support the gift certificate transaction.

           The method of redeeming a gift certificate at a merchant card authorization terminal further includes the step of transmitting a request
35   for authorization, including the certificate identifier, to a central server. The

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merchant card authorization terminal then receives an authorization code from the central server. The received authorization code represents an indication that redemption of the gift certificate for the identified value is authorized. The method also includes receiving a payment from the

5   account issuer based on said identified value of the gift certificate."

Therefore, until the gift certificate is presented and authorized, no funds are drawn from the credit card holder.

10   A further example of such "post-paid" certificates are described by Walker, at least in col. 7, lines 6-17, wherein:

"Referring now to FIG. 5, there is depicted an exemplary certificate table 500 storing information pertaining to the post-paid gift certificates of the

15   present invention. Each record of certificate table 500 defines the parameters of a certificate and provides a link to the account identifier of the credit card or other financial account from which funds will be drawn to back the gift certificate. It should be noted that the present invention is not limited to credit card accounts. The present invention will provide similar

20   benefits and operate effectively in conjunction with other types of financial accounts, such as checking accounts and savings accounts linked to automated teller machine ("ATM") cards."

Applicant also submits, in regard to Hawaiian Air, that while flight coupons are

25   described as being purchased at ATMs associated with a bank, using cards issued by the bank or a major credit card, Hawaiian Air is silent in regard to payment to the airline(s), and therefore lacks enablement in regard to "transferring funds from payment agent associated with a certificate authority module to an issuer payment agent upon a redemption of an issued certificate by

30   a holder".

Applicant also submits that there is no suggestion, express or implied, that any of Tedesco, Walker and Hawaiian Air be modified to meet Claim 1 and Claim 16, as amended.   As well, it would take significant modification and undue

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experimentation, not taught in any of Tedesco, Walker and Hawaiian Air, to meet Claim 1 and Claim 16, as amended.

Therefore, a *prima facie* obviousness case is incomplete because Tedesco,
5   Walker and/or Hawaiian Air fail to teach or suggest all the claim limitations (MPEP 2142, 2143.03). To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed
10   invention to have been obvious in light of the teachings of the references (Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985), MPEP 706.02(j)).

Therefore, Applicant submits that Claim 1 and Claim 16, as amended, overcome
15   the rejections under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0062286 to Daniel E. Tedesco in view of U.S. Patent No. 6,193,155 to Jay S. Walker, and "Hawaiian to Offer Tickets Through ATMs" Wall Street Journal, 6 January 1998, Page 1. As dependent claims 2-15 depend from amended independent Claim 1, and as dependent claims 17-30 depend from
20   amended independent Claim 16, and inherently contain all the limitations of the claims they depend from, they are seen to be patentable as well.

Other Amendments. Applicant has amended dependent Claims 2-15, 17-23 and 30, to correct minor errors and/or to provide proper antecedent terminology
25   to the claims from which they depend.

Applicant has amended dependent Claims 5 and 20, to particularly point out and distinctly claim that the certificate authority module further comprises means for any of selectably entering and updating an availability of said issued certificate
30   by issuer user through said issuer terminal across said Internet. Support is seen in the Application as filed, at least on page 12, lines 25-27; on page 19, lines 1-

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11; on page 25, line 32 to page 26, line 10; on page 29, lines 28-29; and in Figures 5, 9 and 10.

Applicant has entered new dependent Claims 31-42, to particularly point out and distinctly claim preferred embodiments. Support for Claims 31, 32, 37 and 38 is seen in the Application as filed, at least on page 7, lines 20-25; on page 11, lines 3-7; on page 14, lines 6-29; on page 19, lines 7-11; on page 26, line 12 to page 27, line 29; and in Figures 1, 4, 8, 10-11 and 13-16. Support for Claims 33, 34, 39 and 40 is seen in the Application as filed, at least on page 8, line 23 to page 9, line 6; on page 12, lines 14-17; on page 25, lines 29-32; on page 30, line 21 to page 34, line 5; on page 40, lines 26-28; and in Figures 12-16. Support for Claims 35 and 41 is seen in the Application as filed, at least on page 10, lines 29-31. Support for Claims 36 and 42 is seen in the Application as filed, at least on page 21, lines 10-11; on page 24, lines 13-19; and in Figure 6, e.g. element 151.

As dependent claims 31-36 depend from amended independent Claim 16, and as dependent claims 37-42 depend from amended independent Claim 1, and inherently contain all the limitations of the claims they depend from, they are seen to be patentable as well.

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CONCLUSION

Applicant therefore respectfully submits that Claims 1-30, as amended, and
Claims 31-42 as entered, overcome the rejections set forth in the Office Action.
5   Applicant also submits that the amendments do not introduce new matter into
the Application. Based on the foregoing, Applicant considers the invention to be
in condition for allowance. Applicant earnestly solicits the Examiner's withdrawal
of the rejections set forth in the prior Office Action, such that a Notice of
Allowance is forwarded to Applicant, and the present application is therefore
10   allowed to issue as a United States Patent.

Respectfully Submitted,

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